

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

CHRISTINE TURNER,
Special Administrator of
the Estate of Linda Warner,
Deceased

PLAINTIFF

v.

No. 4:18-cv-468-DPM

GARRY STEWART, M.D.

DEFENDANT

ORDER

Dr. Stewart proposes a \$805,000 *supersedeas* bond with Liberty Mutual as surety. The Estate objects. A year's interest at the statutory rate of .27% on the \$800,000 award is \$2,160. 28 U.S.C. § 1961(a)-(b). If the Estate prevails, it will also be entitled to some costs. FED. R. APP. P. 39(a); 8th CIR. L.R. 39A; 28 U.S.C. § 1920. The total of those is unlikely to exceed \$2,840. The Estate hasn't identified a statute, rule, or precedent that would entitle it to an attorney's fee or damages on appeal, and the Court isn't aware of any. In the circumstances presented, the Estate's cross appeal is not properly factored in the Court's consideration of the adequacy of a bond in the direct appeal. Dr. Stewart's proposed bond is sufficient. FED. R. CIV. P. 62(b). His motion, *Doc. 130*, is therefore granted. And the bond, *Doc. 130 at 5-8*, is approved. Amended Judgment, *Doc. 129*, superseded.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 March 2022